IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	Cause No. CR 00-98-BLG-SPW
Plaintiff,	
vs.	ORDER
VICTOR ROBERT NAVA, JR.,	
Defendant.	

Defendant Nava moves the Court for compassionate release under 18 U.S.C. § 3582(c)(1)(A) in light of the COVID-19 pandemic. He is currently serving a six-month sentence on his fourth revocation of supervised release, *see* Judgment on Revocation (Doc. 139), following his July 2002 conviction for federal drug and firearms offenses, *see* Minutes (Doc. 74); Judgment (Doc. 75).

Nava asks the Court to place him on home confinement so that he can be with his family in light of his father's illness. His wish is understandable, but Nava has repeatedly demonstrated that he is highly likely to use illegal substances or alcohol despite clear prohibition against it. The Court cannot justify reducing his sentence to time served. His family circumstances are compelling, but they are not

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extraordinary, *see* U.S.S.G. § 1B1.13(1),[1] and Nava poses a danger to the public,

see id. § 1B1.13(2); Petition for Warrant (Doc. 126) at 2 (describing prior

violations). As he meets neither prong of the guideline, his motion must be denied.

See 18 U.S.C. § 3582(c)(1)(A).

Accordingly, IT IS ORDERED that Nava's motion for compassionate

release under 18 U.S.C. § 3582(c)(1)(A) (Doc. 141) is DENIED.

DATED this ___ day of December, 2020.

Susan P. Watters
United States District Court

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[1] The Court disregards the guideline's statements requiring a motion from the Director of the Bureau of Prisons because that requirement is now "contrary to the statute." *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 844 (1984); 18 U.S.C. § 3582(c)(1)(A) (authorizing court to act "upon motion of the defendant"); First Step Act of 2018, Pub. L. No. 115-391, tit. VI, § 603(b)(1), 132 Stat. 5194, 5239 (Dec. 21, 2018); *United States v. Wong*, 2 F.3d 927, 929–30 (9th Cir. 1993).

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